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SUBJECT: RE-EVALUATING THE LEAHY AMENDMENT: IMPORTANT STEP
IN BOLSTERING TURKEY'S COUNTER-NARCOTICS EFFORTS

Classified By: AMBASSADOR ERIC S. EDELMAN FOR REASONS 1.4 (B) AND (D).

¶1. (C) Summary. Turkey's increasingly critical contribution to stemming the flow of narcotics into the global supply chain can be strengthened by more U.S. assistance. Up until 1999, we were able to provide this assistance in the form of training, equipment, and demand reduction through the International Narcotics Crime Control (INCC) program. However, this program was suspended because of the GOT's refusal to accept "Leahy Amendment" language which requires Turkey to ensure that the assistance is not being provided to human rights abusers. Post encourages Washington to re-evaluate this problem and find a creative solution that would allow for renewed assistance to Turkish law enforcement agencies consistent with our human rights concerns. End Summary.

¶2. (C) As the 2005 International Narcotics Control Strategy Report describes, the large increase in opiate production in Afghanistan has been mirrored by an increase in Turkey's role as a transit route for opiates and a base for major international traffickers. Heroin seizures by Turkish law enforcement agencies last year were more than three times seizures in 2002. In 2004 (through December 22) Turkish law enforcement agencies seized 8.9 tons of heroin and made a total of 14,117 drug related arrests. This compares to 5.2 tons of heroin seized and 12,420 arrests in 2003 and 2.75 tons seized and 9,652 arrested in 2002. According to the Turkish press, Turkey seized more opium and products than any other country in Europe in 2004.

¶3. (C) U.S. law enforcement agencies represented at Post say that their Turkish counterparts have become more efficient in making arrests and seizing contraband. Yet, we do not have a good idea of how much is not being stopped and seized. If the seven-fold increase in Afghanistan's opium poppy cultivation between 2002 and 2004 is taken as a rough guide, traffic through Turkey during the past two years has likely increased by substantially more than the three-fold increase in seizures.

¶4. (C) U.S. agencies report excellent operational cooperation with Turkish counterparts. Indeed, much of the reported increase in seizures resulted from such cooperation with U.S. and European agencies. At the same time, Turkish counter-narcotics agencies virtually plead with us for more U.S. assistance. In Post's judgment, greater counter-narcotics cooperation could be very effective and efficient in improving the effectiveness of Turkish law enforcement and reducing the flow of drugs to world markets. Turkish law enforcement agencies would greatly benefit from continued training. As critically, Turkey's high-quality regional training facility*TADOC*could be leveraged to provide training to countries in the region.

¶5. (C) Between 1986 and 1999, the United States had a major anti-narcotics program with Turkey under which approximately \$500,000 annually was spent on training and equipment and supplies as well as on demand reduction. Under that program the Embassy administered programs with TNP, Jandarma, Customs, the Turkish Grain Board, and substance abuse clinics. However, since 1999, that program has been suspended because of the Turkish government's refusal to agree to include a broad certification in individual program "letters of agreement" that assistance was not being provided to human rights abusers, as the 1997 "Leahy Amendment" is understood to require.

¶6. (C) Post has made repeated efforts over the years to convince the Turkish government at senior levels to accept the broad terms of the so-called "Leahy language." However, for reasons of national pride and a policy against assistance carrying &political conditionality⁸ the Turkish government has refused to include the language in program letters of agreement. In Embassy's estimation, Turkey will not agree. At the same time, Embassy's human rights reporting attests that Turkey's respect for international human rights standards has improved significantly in recent years, although shortcomings remain. As the United States continues to scrutinize Turkey's human rights record, this trend should continue in coming years under continuing pressure from the European Union to reform.

17. (C) The direct consequence of the stand-off over the inclusion of Leahy language in letters of agreement is that counter-narcotics assistance that would otherwise be effective in stemming the flow of Afghan opiates into the global supply chain is not being provided to Turkey by the United States. The result is that more drugs are in the global system than would otherwise be and the health and well-being of American citizens are at significantly higher risk than they would otherwise need to be. While Turkey recently became a &major donor8 country in UNODC, the reality is that Turkey is still a financially-strapped middle income country that needs counter-narcotics assistance.

18. (C) Post believes that it is a critical U.S. interest (and a top MPP objective) to stem the growing flows of narcotics through Turkey. The best way to do this would be by providing training and assistance that would help make Turkish law enforcement agencies more effective, consistent with protection of basic human rights. We are not in a position to interpret the requirements of the Leahy Amendment, but we understand that in other programs to which the amendment applies, the requirement of a broad certification is not required, instead individual participants in programs are certified to have not committed human rights abuses. Even if a broad human rights certification is required, we cannot believe that it is Congress's and the Administration's intent to deny effective, human rights-consistent narcotics aid to Turkey. Post encourages the Department to find a creative solution to this problem, which could include seeking appropriate waivers, taking another look at the standing interpretation of the law as it applies to INL programs (perhaps in consultation with Congress), or consulting Congress about changing the law.

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